

COMBINATION GENERAL NOTICE LETTER AND 104(E) INFORMATION
REQUEST LETTER
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

C T Corporation System
Registered Agent for McGinnes Industrial Maintenance Corporation
350 N. St. Paul Street
Dallas, Texas 75201

Re: San Jacinto River Waste Pits Superfund Site, Channelview, TX
SSID No. 06ZQ, EPA ID No. TXN000606611

Dear Sir/Madam:

This letter notifies the McGinnes Industrial Maintenance Corporation (MIMC), an active Texas corporation with headquarters at 1001 Fannin, Suite 4000, Houston, Texas, that the U.S. Environmental Protection Agency (EPA) has determined MIMC is a Potentially Responsible Party (PRP) at the San Jacinto River Waste Pits Superfund Site (Site). Therefore, MIMC may be responsible for conducting and/or funding a response action at the Site, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.* (CERCLA). On behalf of EPA, I offer MIMC the opportunity to enter into negotiations concerning cleaning up the Site and reimbursing EPA for costs incurred under the Superfund law.

A Superfund site is a place that is contaminated with hazardous substance at levels that may present a threat to human health or the environment. Under CERCLA, commonly known as the Federal "Superfund" law, EPA has the authority to stop further contamination from occurring and to clean up or otherwise address any contamination that has already occurred. EPA has determined a response action is necessary to address the release or threat of release of hazardous substances, pollutants or contaminants into the environment.

This letter also notifies MIMC that EPA is requesting certain documents and information from MIMC. In particular, EPA is requesting historical information relating to MIMC's barging of waste paper mill sludge to the Site during the 1960's. EPA is also seeking certain documents and information from MIMC concerning its business activities and business relationships with Waste Management of Texas, Inc. (WMOT) after December 1991.

CERCLA Section 104(e), 42 U.S.C. § 9604(e), gives EPA the authority to require MIMC's response to this information request. **We encourage MIMC to give this matter its full attention, and we respectfully request that MIMC respond to this request for information within 30 calendar days of its receipt of this letter (see Enclosures 1 and 2).**

Specific questions that require MIMC's answers are listed in Enclosure 2. Failure to respond to an information request may result in EPA seeking penalties of up to \$32,500 per day of violation. In addition, furnishing false, fictitious, or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Notice of Potential Liability

Under CERCLA, specifically 107(a), 42 U.S.C. § 9607(a), PRPs may be required to perform or fund cleanup actions EPA determines to be necessary to protect public health, welfare, or the environment. PRPs may also be responsible for all costs incurred by EPA in responding to conditions at the Site. In addition, PRPs may also be liable for damages to natural resources.

PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

The Site is located in Harris County in the State of Texas. The Site is comprised of an area of land and river sediment that is contaminated with certain hazardous materials from released waste paper mill sludge.

EPA believes that MIMC may be liable under Section 107(a) of CERCLA with respect to the Site. Specifically, EPA has reason to believe that MIMC contributed to the hazardous waste contamination at the Site. Evidence of MIMC operating on the Site is reflected in the letter dated July 29, 1966, from the Texas Water Pollution Control Board (see Enclosure 3).

EPA's Site Response Activities

EPA has spent public funds to investigate and monitor the conditions at the Site. The final listing of this Site onto the National Priorities List (NPL) occurred on March 19, 2008 (see Enclosure 4).

MIMC's Opportunity to Enter into Negotiations

Prior to taking any further action, EPA invites MIMC to enter into negotiations towards a settlement. Settling with EPA may be in MIMC's best interest because it may provide protection from suits by other responsible parties seeking to recover costs they incur in resolving their liability at this Site. Also, if MIMC chooses not to settle with EPA and MIMC is found to be a responsible party, EPA may take civil administration action against MIMC.

If MIMC agrees to negotiations, EPA will meet with MIMC. Discussions at the meeting will be about the Site cleanup and the resolution of MIMC's associated liability. Please note that resolving MIMC's liability with EPA does not necessarily end any associated obligation MIMC may also have to the State of Texas. The State of Texas may contact MIMC concerning such requirements. I have included a list of names and addresses of PRPs that have already received a General Notice Letter, or, based upon information that is currently available to EPA, will soon receive a General Notice Letter (see Enclosure 5).

MIMC's Response To This General Notice

Please respond within 30 calendar days of receiving this letter as to whether MIMC is willing to meet with EPA to resolve its liability at the Site. MIMC's response should be mailed to the following address:

Mr. Robert Werner, Enforcement Officer
Superfund Enforcement Assessment Team (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Phone #: (214) 665.6724
FAX #: (214) 665.6660
E-mail: Werner.robert@epa.gov

If a response from MIMC is not received within 30 calendar days, EPA will assume that MIMC has declined to conduct, fund, or participate in the cleanup of the Site.

If MIMC has general questions regarding this letter, please contact Mr. Robert Werner at 214.665.6724. If MIMC has legal questions regarding this letter, please contact the Site Attorney, Ms. Barbara Nann at 214.665.2157.

MIMC's Response To This 104(e) Information Request

Please mail MIMC's response within 30 calendar days of its receipt of this letter to the following address:

Mr. Robert Werner, Enforcement Officer
Superfund Enforcement Assessment Team (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Phone #: (214) 665.6724
FAX #: (214) 665.6660
E-mail: Werner.robert@epa.gov

If MIMC has general questions regarding this Information Request, please communicate with EPA Enforcement Officer Mr. Robert Werner via any of the above points of contact.

If MIMC has legal questions regarding this Information Request Letter, please communicate with EPA Site Attorney Ms. Barbara Nann via any of the below points of contact.

Ms. Barbara Nann, Attorney
U.S. Environmental Protection Agency, Region 6
Office of Regional Counsel
Superfund Branch (6RC-S)
1445 Ross Avenue
Dallas, Texas 75202-2733
Phone #: (214) 665.2157
FAX #: (214) 665.2182
E-mail: nann.barbara@epa.gov

We encourage MIMC give both of the above matters its immediate attention and provide EPA a written response to each matter within 30 calendar days of its receipt of this letter.

Thank you in advance for your cooperation.

Sincerely yours,

Samuel Coleman, P.E.
Director
Superfund Division

Enclosures (5)

cc: Mr. Albert R. Axe, Esq.
Winstead

ENCLOSURE 1

SAN JACINTO RIVER WASTE PITS SUPERFUND SITE

INFORMATION REQUEST

SITE BACKGROUND INFORMATION

The Site is located in Harris County in the State of Texas in an area where the Interstate Highway 10 Bridge crosses over the San Jacinto River. The Site is located east of the City of Houston between two unincorporated areas known as Channelview and as Highlands. The Site itself has no specific street address. The northern part of the Site includes an abandoned 20-acre tract of land (Tract) upon which three abandoned waste disposal pits are located. The three abandoned waste pits cover an area that approximates 3.5 acres of the Tract. Parts of the Tract, including the abandoned disposal pits, are now below the San Jacinto River's adjacent water surface. Samples collected in the disposal pits and in down river sediments have dioxin concentrations as high as 70,000 parts per trillion. Sediments contaminated with high levels of dioxin have been found in the San Jacinto River for a distance of at least one-half mile downstream from the disposal pits.

ENCLOSURE 2

SAN JACINTO RIVER WASTE PITS SUPERFUND SITE

INFORMATION REQUEST

INSTRUCTIONS, DEFINITIONS, AND QUESTIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If you make such a claim, the information covered by that claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
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1. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
 2. Objections to questions. If you have objections to some or all the questions within this 104(e) Information Request Letter, you are still required to respond to each question.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any," as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses and telephone numbers, and present or last known job title, position or business.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation (including state of incorporation), partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.

7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "IPC" means International Paper Company, an active New York corporation and all corporations that due to previous mergers and reorganizations are now part of IPC or are subsidiaries of IPC.
9. The term "MIMC" means McGinnes Industrial Maintenance Corporation, an active Texas corporation that currently is a subsidiary of Waste Management of Texas, Inc., an active Delaware corporate.
10. The term "WMOT" means Waste Management of Texas, Inc., an active Delaware corporate and all corporations that due to previous mergers and reorganizations are now part of WMOT or are subsidiaries of MMOT.
11. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
12. The term "Site" shall mean a certain 20-acre area of land and an undetermined area of sediment in the San Jacinto River and the Houston Ship Channel that is contaminated with hazardous materials from waste paper mill sludge. The Site is in Harris County in the State of Texas in an area where the Interstate Highway 10 crosses over the San Jacinto River. The Site is located east of the City of Houston between two unincorporated areas known as Channelview and as Highlands. The Site itself has no specific street address.
13. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

1. Please identify the person(s) that answer the below questions on behalf of McGinnes Industrial Maintenance Corporation (MIMC). Include the person(s) contact information (address, phone number, e-mail address).

2. Identify the current owner and/or operator of the Site. State the dates during which the current owner and/or operator owned, operated or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
 - A. Describe each position, formal and/or informal, that you held with the Site. Your description should include, but not be limited to, the duties and responsibilities of each position; the actual tasks that you performed, both routinely and occasionally, and the dates that you held each position.
 - B. Identify the supervisor(s) and/or the person(s) to whom you were responsible to during the tenure of each position discussed in the preceding question. For each person identified, describe to the best of your knowledge and belief, the duties and responsibilities of such person(s); the tasks performed by each person identified; and the dates during which time you were responsible to each person identified.
3. Identify any persons who concurrently with the owner/operator exercised actual control or who held significant authority to control activities at the Site/facility/plant.
 - A. Partners or joint venturers.
 - B. Any contractor, subcontractor, or licensor with any presence or activity on the Site; (service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities).
 - C. Any person subleasing land, equipment or space on site.
 - D. Utilities, pipelines, railroads, and any other entities or persons with activities and/or easements regarding the site.
 - E. Major financiers and lenders.
 - F. Any person who exercised actual control over any activities or operations on Site.
 - G. Any person who held significant authority to control any activities or operations on site.
 - H. Any person who had a significant presence or who conducted significant activities on site.
 - I. Government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activity on the Site/facility/plant.
4. Identify any legal or equitable interest that you now have, or previously had in the Site. Include information regarding the nature of such interest; when, how, and from whom

such interest was obtained; and when, how, and to whom such interest was conveyed. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest.

5. If you are the current owner and/or current operator, did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all of the facts on which you base the answer to the preceding question.
6. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
7. Identify all prior owners of the Site. For each prior owner, further identify:
 - A. The dates of ownership;
 - B. All evidence showing that they controlled access to the Site; and
 - C. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.
8. Identify all prior operators of the Site, including lessors, of the Site. For each such operator, further identify:
 - A. The dates of operation;
 - B. The nature of prior operations at the Site;
 - C. All evidence that they controlled access to the Site; and
 - D. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.
9. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
10. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:
 - A. In general terms, the nature and quantity of the non- hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.

- B. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
 - C. The persons who supplied you with each such hazardous substance.
 - D. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
 - E. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
 - F. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
 - G. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
- 11. Identify all federal, state and local authorities that regulated the Site Operator and/or that interacted with the Site Operator. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.
 - 12. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Site between August 31, 1965, and December 31, 2007. Provide copies of all documents associated with such an occurrence.
 - 13. Provide a list of all local, state and federal environmental permits ever granted for the Site or any part thereof (e.g., RCRA permits, NPDES permits, etc.).
 - 14. Did MIMC ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA) for any operation at the Site? If so, provide a copy of such notification.
 - 15. Did MIMC ever have "interim status" under RCRA for any operation at the Site? If so, and if MIMC does not currently have interim status, describe the circumstances under which MIMC lost interim status.
 - 16. Provide information about the Site, including but not limited to the following:
 - A. Property boundaries, including a written legal description;
 - B. Location of underground utilities (telephone, electrical, sewer, water main, etc.);
 - C. Surface structures (e.g., buildings, tanks, etc.);
 - D. Groundwater wells, including drilling logs;

- E. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
 - F. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site; and
 - G. All maps and drawings of the Site in your possession.
17. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
18. Describe the acts or omissions of any persons other than your employees, agents or those persons with whom you had a contractual relationship, that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons. In addition:
- A. Describe all precautions that you took against foreseeable acts or omissions of any such third parties including, but not limited to insert names if known, e.g., of prior owners, etc. and the consequences that could foreseeably result from such acts or omissions.
 - B. Describe the care you exercised with respect to the hazardous substances found at the Site.
19. Identify all past and present solid waste management units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site. For each such solid waste management unit, provide the following information:
- A. A map showing the unit's boundaries and the location of all known solid waste management units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
 - B. The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
 - C. The dates that the unit was in use;
 - D. The purpose and past usage (e.g., storage, spill containment, etc.);
 - E. The quantity and types of materials (hazardous substances and any other chemicals) located in each unit, and;

- F. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.
 - G. If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.
20. Describe the conditions of any physical plant facility at the Site during the years 1965 through 2007 operated at the Site. Your response is to include, but should not be limited to, the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (improper handling of chemicals, incomplete/absent policies, quality of supervision) and management of the plant.
21. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:
- A. When such releases occurred;
 - B. How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated);
 - C. The amount of each hazardous substances, pollutants, or contaminants so released;
 - D. Where such releases occurred;
 - E. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - F. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
 - G. All persons with information relating to these releases.
22. Has any contaminated soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:
- A. Amount of soil excavated;
 - B. Location of excavation:
 - C. Manner and place of disposal and/or storage of excavated soil;

- D. Dates of soil excavation;
 - E. Identity of persons who excavated or removed the soil;
 - F. Reason for soil excavation;
 - G. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;
 - H. All analyses or tests and results of analyses of the soil that was removed from the Site;
 - I. All persons, including contractors, with information about (A) through (H) of this request.
23. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Site concerning insurance issues.
24. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the Site? If so, identify:
- A. What the nature and scope of these investigations will be;
 - B. The contractors or other persons that will undertake these investigations;
 - C. The purpose of the investigations;
 - D. The dates when such investigations will take place and be completed; and
 - E. Where on the Site such investigations will take place.
25. Describe the waste generation history of the Site, including all controlled and uncontrolled releases of compounds, reactants, products, waste, and any other substance. In your response list all releases by compound, the amount of release and the circumstances surrounding said release between August 31, 1965, and December 31, 2007.
26. Describe the waste handling and disposal history of the Site, for all facilities and all operations, including but not limited to transportation, shipping and/or receiving, storage, manufacturing, research, quality control, waste containment, and waste disposal facilities, between August 31, 1965, and December 31, 2007. This description is to include the names, addresses and activities of waste disposal contractors, and copies of all supporting documents (manifests, invoices, contracts, etc.).

27. Describe all instances where the Site accepted waste from any company or person, or where the Site accepted substances which could be considered hazardous and not useful in their present form. Your response is to include the following:
- A. A description of the waste sent to the Site;
 - B. The types and quantity of the waste sent to the Site;
 - C. The name of the person or company who transported the waste to the Site;
 - D. The name of the person or company who sent the waste to the Site;
 - E. The names of the person or company who originated the waste sent to the Site;
 - F. The date(s) such wastes were sent to the Site;
 - G. The state (i.e., liquid, solid, or gaseous) of the wastes sent to the Site, and the manner in which the wastes were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
 - H. A description of what the Site would do with the waste once received;
 - I. The reason which led you to believe that the waste received was indeed waste when received by the Site Operator;
 - J. The names of all customers who would receive a finished product which was composed of any waste described in this question.
28. Describe all instances where the Site accepted substances which could be considered off-spec. "Off-spec" is intended to mean a substance that in its current form is not useful for its intended purpose. Off-spec materials are often experimental products and/or substances which did not live up to expectations; or product and/or substances which did not meet the level of quality required for its intended purpose, i.e. a contaminated batch of solvents. Your response is to include the following:
- A. A description of the substances sent to the Site;
 - B. The types and quantity of the substances sent to the Site;
 - C. The name of the person or company who transported the substances to the Site;
 - D. The name of the person or company who sent the substances to the Site;
 - E. The names of the person or company who originated the waste sent to the Site,
 - F. The date(s) such substances were sent to the Site;

- G. The state (i.e., liquid, solid, or gaseous) of the substances sent to the Site, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
 - H. A description of what the Site Operator would do with the substances once received;
 - I. The reason which led you to believe that the substances received were off-spec in the form received by the Site.
 - J. The names of all customers who would receive a finished product which was composed of any substances described in this question.
29. Describe all instances where the Site accepted substances which could be considered not hazardous in their present form. Your response is to include the following:
- A. A description of the substances sent to the Site;
 - B. The types and quantity of the substances sent to the Site;
 - C. The name of the person or company who transported the substances to the Site;
 - D. The name of the person or company who sent the substances to the Site;
 - E. The names of the person or company who originated the waste sent to the Site;
 - F. The date(s) such substances were sent to the Site;
 - G. The state (i.e., liquid, solid, or gaseous) of the substances sent to the Site, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
 - H. A description of what the Site Operator would do with the substances once received;
 - I. The reason which led you to believe that the substances received were not useful in the form received by the Site Operator;
 - J. The names of all customers who would receive a finished product which was composed of any substances described in this question.
30. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- A. The document retention policy between August 31, 1965, and December 31, 2007.

- B. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction.
 - C. A description of the type of information that would have been contained in the documents.
 - D. The name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents.
 - E. The names and most current address of any person(s) who may possess documents relevant to this inquiry.
31. Provide a list of all hazardous waste treatment and disposal facilities utilized by the Company. Describe the treatment or disposal method for each waste, utilized by these facilities.
32. Describe how the wastes involved in each such transaction were disposed of (e.g., whether they were containerized, and if it was treated or processed prior to final disposition); and
33. Identify whether any employee, agent or operator of the Landfill was notified of the hazardous characteristics of such wastes; and if so, the name and address or other description of the person so notified, the information provided, and the date of such notification. If such notification was in writing, attach a copy thereof to your response; if no copy is available, explain why you are unable to provide one.
34. Identify all companies, firms, facilities and individuals from whom the Company obtained, or who supplied materials containing the hazardous substances listed above.
35. Identity of all companies or persons whose chemicals, hazardous wastes, hazardous substances or other materials have ever been treated, stored, or disposed of at the Site, including information regarding the following:
- A. Location and address of each such company or person who sent such materials, including contact person(s) within said companies;
 - B. Shipping records pertaining to such materials sent by each such company or person, including but not limited to invoices, bills of lading, weight tickets, and purchase orders; and
 - C. Identification and location of all companies and individuals who transported said materials.

36. Please provide copies of all Transmittal of Wage and Tax Statements (Internal Revenue Service Form W-3) and copies of all attached Wage and Tax Statements (Internal Revenue Service Form W-2) that were filed by, or for, MIMC with the Social Security Administration for calendar years 1991 through 2007.
37. Please provide copies of all Annual Summary and Transmittal of U.S. Information Returns (Internal Revenue Service Form 1096) and copies of all attached Miscellaneous Income Forms (Internal Revenue Service Form 1099-MISC) that were filed by, or for, MIMC with the IRS for calendar years 1991 through 2007.
38. Please provide copies of all Corporate Federal Income Tax Returns (Internal Revenue Service Form 1120 and/or Internal Revenue Service Form 1120-S) that were filed by, or for, MIMC for MIMC's fiscal and/or calendar years 1991 through 2007.
39. Please provide copies of MIMC's audited annual Income statements for MIMC's fiscal and/or calendar years 1991 through 2007.
40. Please provide copies of MIMC's audited yearend balance statements for MIMC's fiscal and/or calendar years 1991 through 2007.
41. Please identify the names and addresses of MIMC's customers that provided income to MIMC during MIMC's fiscal years 1991 through 2007. Please also identify the gross income amount(s) that the customer(s) paid to MIMC during MIMC's fiscal and/or calendar years 1991 through 2007.
42. Please provide copies of all business liability insurance policies purchased by MIMC during the period beginning August 31, 1965, and ending December 31, 2007.
43. Please provide copies of all business liability insurance policies purchased by third persons for MIMC during the period beginning August 31, 1965, and ending December 31, 2007.
44. Please provide copies of all maritime insurance policies that provided property and/or liability coverage for all tugs and barges that were owned and/or operated by MIMC during the period beginning August 31, 1965, and ending December 31, 2007.
45. Please provide a copy of MIMC's corporate minute book along with copies of minutes for all regular and/or special corporate board of director's meetings that occurred between August 31, 1965, and the date of this Combination General Notice / 104(e) Information Request Letter.
46. Please provide a copy of the sales contract, and copies of all addendums and/or exhibits that are part of the sales contract, that document the 1992 sale of MIMC's stock to G.C. Environmental, Inc.
47. Please describe the primary business activities of MIMC during the period in 1992 beginning when G.C. Environmental, Inc. acquired all of MIMC's stock and ending when G.C. Environmental, Inc. was acquired by ENVIRx, Ltd.

- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
 - B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
48. Please describe the primary business activities of MIMC during the period in 1992 beginning when G.C. Environmental, Inc. was acquired by ENVIRx, Ltd. and ending July 10, 1992, when ENVIRx, Ltd. changed its name to ENVIRx, Industries, Inc.
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
 - B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
49. Please describe the primary business activities of MIMC during the period beginning July 10, 1992, when ENVIRx, Ltd., changed its name to ENVIRx, Industries, Inc. and ending August 24, 1992, when ENVIRx, Industries, Inc. changed its name to TransAmerican Waste Industries, Inc.
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
 - B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.

50. Please describe the primary business activities of MIMC during the period beginning August 24, 1992, when ENVIRx, Industries, Inc. changed its name to TransAmerican Waste Industries, Inc. and ending during the month of May 1998, when USA Waste Services, Inc. acquired the stock of TransAmerican Waste Industries, Inc.
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
- B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
51. Please describe the primary business activities of MIMC during the period beginning the month of May 1998 when USA Waste Services, Inc. acquired the stock of TransAmerican Waste Industries, Inc. and ending July 16, 1998, when USA Waste Services, Inc. changed its name to Waste Management, Inc.
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
- B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
52. Please describe the primary business activities of MIMC during the period beginning July 16, 1998, when USA Waste Services, Inc. changed its name to Waste Management, Inc. and ending December 2, 1998, when Waste Management, Inc. contributed its TransAmerican Waste Industries, Inc. stock to Waste Management Holdings, Inc.
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.

- B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
53. Please describe the primary business activities of MIMC on December 2, 1998, (the day that Waste Management, Inc. contributed its TransAmerican Waste Industries, Inc. stock to Waste Management Holdings, Inc. which then contributed the TransAmerican Waste Industries, Inc. stock to Waste Management of North America, Inc.).
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
- B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
54. Please describe the primary business activities of MIMC during the period beginning December 2, 1998, (date Waste Management Holdings, Inc. contributed its TransAmerican Waste Industries, Inc. stock to Waste Management of North America, Inc.) and ending December 15, 1999, (date Waste Management of North America, Inc. merged into Waste Management Holdings, Inc.).
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
- B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
55. Please describe the primary business activities of MIMC during the period beginning December 15, 1999, (date Waste Management of North America, Inc. merged into Waste Management Holdings, Inc.) and ending December 17, 2002, (date TransAmerican Waste Industries, Inc. merged into Waste Management Holdings, Inc.).
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported

waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.

- B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
56. Please describe the primary business activities of MIMC during the period beginning December 17, 2002, (date TransAmerican Waste Industries, Inc. merged into Waste Management Holdings, Inc.) and ending January 3, 2003, (date Waste Management Holdings, Inc. transfers it's MIMC stock to Waste Management Holdings of Texas, Inc.).
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
 - B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
57. Please describe the primary business activities of MIMC during the period beginning January 3, 2003, (date Waste Management Holdings, Inc. transferred its MIMC stock to Waste Management Holdings of Texas, Inc.) and ending January 6, 2003, (date Waste Management Holdings of Texas, Inc. transferred its MIMC stock to Waste Management of Texas, Inc.).
- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
 - B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
58. Please describe the primary business activities of MIMC during the period beginning January 6, 2003, (date Waste Management Holdings of Texas, Inc. transferred its MIMC stock to Waste Management of Texas, Inc.) and ending upon the date of this letter.

- A. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted any type of barge operation or trucking operation that transported waste materials, some of which might have been waste paper mill sludge from the paper mill in Pasadena, Texas, to the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.
- B. During the preceding described period, please identify the name(s) of all person(s), and their employer(s), that managed, directed, maintained, or conducted the operation or use of the MIMC waste disposal facility in Halls Bayou Ranch near Hitchcock, Texas.

ENCLOSURE 3

SAN JACINTO RIVER WASTE PITS SUPERFUND SITE

COMPACT DISC CONTAINING LIABILITY EVIDENCE

ENCLOSURE 4

SAN JACINTO RIVER WASTE PITS SUPERFUND SITE

NPL SITE LISTING

ENCLOSURE 5

SAN JACINTO RIVER WASTE PITS SUPERFUND SITE

IDENTIFIED POTENTIALLY RESPONSIBLE PARTIES

The U.S. Environmental Protection Agency (EPA) is issuing this General Notice Letter to the following Potentially Responsible Party (PRP):

McGinnes Industrial Maintenance Corporation
C T Corporation System, Registered Agent
350 N. St. Paul Street
Dallas, Texas 75201

On November, 29, 2007, EPA issued a General Notice Letter to the following PRP:

Waste Management
An assumed name for Waste Management of Texas, Inc. (Effective July 6, 2007)
C/O Mr. March Smith
Director- South
Closed Site Management Group
2859 Paces Ferry Road, Suite 1600
Atlanta, Georgia 30339

EPA will issue a General Notice Letter to the following PRP:

International Paper Company
C T Corporation System, Registered Agent
800 S. Gay Street
Suite 2021
Knoxville, TN 37929-9710

**COMBINATION GENERAL NOTICE LETTER AND 104(E) INFORMATION
REQUEST LETTER**

URGENT LEGAL MATTER: PROMPT REPLY REQUESTED

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

C T Corporation System
Registered Agent for McGinnes Industrial Maintenance Corporation
350 N. St. Paul Street
Dallas, Texas 75201

Re: San Jacinto River Waste Pits Superfund Site, Channelview, TX
SSID No. 06ZQ, EPA ID No. TXN000606611

Dear Sir/Madam:

This letter notifies the McGinnes Industrial Maintenance Corporation (MIMC), an active Texas corporation with headquarters at 1001 Fannin, Suite 4000, Houston, Texas, that the U.S. Environmental Protection Agency (EPA) has determined MIMC is a Potentially Responsible Party (PRP) at the San Jacinto River Waste Pits Superfund Site (Site). Therefore, MIMC may be responsible for conducting and/or funding a response action at the Site, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.* (CERCLA). On behalf of EPA, I offer MIMC the opportunity to enter into negotiations concerning cleaning up the Site and reimbursing EPA for costs incurred under the Superfund law.

A Superfund site is a place that is contaminated with hazardous substance at levels that may present a threat to human health or the environment. Under CERCLA, commonly known as the Federal "Superfund" law, EPA has the authority to stop further contamination from occurring and to clean up or otherwise address any contamination that has already occurred. EPA has determined a response action is necessary to address the release or threat of release of hazardous substances, pollutants or contaminants into the environment.

This letter also notifies MIMC that EPA is requesting certain documents and information from MIMC. In particular, EPA is requesting historical information relating to MIMC's barging of waste paper mill sludge to the Site during the 1960's. EPA is also seeking certain documents and information from MIMC concerning its business activities and business relationships with Waste Management of Texas, Inc. (WMOT) after December 1991.

CERCLA Section 104(e), 42 U.S.C. § 9604(e), gives EPA the authority to require MIMC's response to this information request. **We encourage MIMC to give this matter its full attention, and we respectfully request that MIMC respond to this request for information within 30 calendar days of its receipt of this letter (see Enclosures 1 and 2).**

R.Werner/6SF-TE/5.6724/12-08-2008/Letter - MIMC Combination G-N / 104(e) Ltr

6RC-S	6SF-TE	6RC-S	6SF-T	6SF-D	6-SF
B.Nann	L.Johnson	M.Peycke	W.Stenger	P.Phillips-	C.Hubbard